



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



U-19-6010/FAC-2A1 (FOIA)

April 26, 2019

Ms. Ramya Krishnan
Knight First Amendment Institute at Columbia University
1140 Amsterdam Ave
206 Kent Hall
New York, NY 10027

Dear Ms. Krishnan:

This is the Defense Intelligence Agency's (DIA) fifth interim response regarding your Freedom of Information Act litigation in the United States District Court for the District of Columbia, civil action number 18-cv-01129. This case encompasses your request for records pertaining to (1) NDAs imposing prepublication review obligations; (2) administrative appeals on prepub determinations; (3) sanctions for failure to comply with prepub review obligations.

A search of DIA's systems of records located 150 records responsive to the request. This response addresses 34 documents that were located in that search.

Upon review, I have determined that portions of eight documents must be withheld in part from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemptions 1, 3, 5, and 6 of the FOIA, 5 U.S.C. § 552 (b)(1), (b)(3), (b)(5), and (b)(6). Exemption 1 applies to information properly classified under the criteria of Executive Order 13526. Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statutes are 10 U.S.C. § 424, 50 U.S.C. § 3024(i), and 50 U.S.C. § 3507. Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA. Statute 50 U.S.C. § 3024(i) protects intelligence sources and methods. Statute 50 U.S.C. § 3507 protects information and functions of the Central Intelligence Agency (CIA). Exemption 5 applies to information that falls within one of the civil discovery privileges. In this instance, DIA has asserted the deliberative process privilege and attorney client privilege. Exemption 6 protects information which if released would constitute an unwarranted invasion of the personal privacy of other individuals.

Further, I have determined that all substantive portions of 22 documents must be withheld in full from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemptions 1, 3, 5, and 6 of the FOIA, 5 U.S.C. § 552, (b)(1), (b)(3), (b)(5), and (b)(6).

Finally, I have determined the remaining four documents are duplicates of records already processed in this case.

You can expect the sixth interim response to your FOIA request in May 2019.

Sincerely,

A handwritten signature in blue ink that reads "Brian L. Jenkins for". The signature is written in a cursive, flowing style.

Brian L. Jenkins 
Chief, Records Management and Information
Services